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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/719,487

Applicant(s)

CORONADO ET AL.

Examiner

Richard G. Keehn

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 1-30 have been examined and are pending.

Response to Arguments

1. Applicant's amendments with arguments, see Pages 19 and 20, filed 9/9/2008, with respect to the rejection of Claims 3, 5-7, 15-17 and 25-27 under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of Claims 3, 5-7, 15-17 and 25-27 under 35 U.S.C. 112 has been withdrawn.
2. Applicant's amendments with arguments, see Page 19, filed 9/9/2008, with respect to the rejection of Claims 21-30 under 35 U.S.C. 101 have been fully considered and are persuasive. The rejection of Claims 21-30 has been withdrawn.
3. Applicant's arguments with respect to claims 1-30 with respect to prior art rejections under 35 U.S.C. 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the additional limitations "wherein each of said plurality of host computers assigned to an (i)th host computer group *is not assigned to any other of the (N) host computer groups*" (*emphasis added*) and "wherein each of said logical volumes to an (i)th logical volume group *is not assigned to any other of the (N) logical volume groups*" (*emphasis added*)

must be shown or the feature(s) canceled from the claim(s). Figure 3 elements 330 and 340 merely disclose assignment to host computer and logical volume groups, without disclosing the exclusive "only one" nature of the amended claim language. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-4, 11-14 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over non-patent literature dated March 21, 1995 entitled "HP-UX 10.0 Logical Volume Manager White Paper" (Hewlett-Packard), and further in view of US 2003/0188188 A1 (Padmanabhan et al.).

As to Claims 1, 11 and 21, Hewlett-Packard discloses an invention substantially as claimed, including a method, an article of manufacture comprising a computer useable medium having computer readable program code, and a computer program product encoded in an information storage medium and usable with a programmable computer processor (hereby referred to as "the system") to control access to logical volumes disposed in one or more information storage and retrieval systems using copy service relationships, comprising the steps of:

providing a first information storage and retrieval system comprising a plurality of first logical volumes (Hewlett-Packard – Page 5 recites mirroring wherein separate first and second and third logical volumes are paired to create a copy of one another);

providing a second information storage and retrieval system comprising a plurality of second logical volumes (Hewlett-Packard – Page 5 recites mirroring wherein separate first and second and third logical volumes are paired to create a copy of one another);

providing a plurality of host computers, wherein each of said plurality of host computers is capable of communicating with said first information storage and retrieval

system (Hewlett-Packard – Page 5 recites the Physical Volume Group of separate computers connected via I/O channels or interface adapters);

forming (N) host computer groups, wherein (N) is greater than or equal to 1 (Hewlett-Packard – Page 5 recites the Physical Volume Group of separate computers connected via I/O channels or interface adapters);

assigning each of said plurality of host computers to the a host computer group (Hewlett-Packard – Page 5 recites the Physical Volume Group of separate computers connected via I/O channels or interface adapters);

forming (N) logical volume groups (Hewlett-Packard – Page 6 recites the Logical Volume Group);

assigning one or more of said plurality of first logical volumes to a logical volume group (Hewlett-Packard – Page 5 recites the Physical Volume Group of separate computers connected via I/O channels or interface adapters);

receiving a request from a host computer assigned to the (i)th host computer group to establish a copy service relationship between a source logical volume and a target logical volume (Hewlett-Packard – page 21 recites the “lvmerge” and “lvcreate” commands used to create mirrored logical volume relationships);

determining if said source logical volume is assigned to the (i)th logical volume group (Hewlett-Packard – page 21 recites the “lvdisplay” command used to retrieve information about logical volumes);

operative if said target logical volume is assigned to the (i)th logical volume group, determining if said second logical volume is assigned to the (i)th logical volume

group (Hewlett-Packard – page 21 recites the “lvdisplay” command used to retrieve information about logical volumes including mirrored status information);

operative if both the source logical volume and the target logical volume are assigned to the (i)th logical volume group, establishing said copy service relationship (Hewlett-Packard – Page 5 recites mirroring wherein logical volumes in the same mirror grouping are placed into a copy relationship).

Hewlett-Packard does not disclose, but Padmanabhan et al. disclose an invention substantially as claimed, including

wherein each of said plurality of host computers assigned to an (i)th host computer group is not assigned to any other of the (N) host computer groups, and wherein each of said logical volumes assigned to an (i)th logical volume group is not assigned to any other of the (N) logical volume groups, and wherein a host computer assigned to an (i)th host computer group has access rights to logical volumes assigned to an (i)th logical volume group, wherein (i) is greater than or equal to 1 and less than or equal to (N) (Padmanabhan et al. – Figure 2, elements 50 recite host computers which contain their own logical volumes grouped into a logical grouping via the border server 230; which are separate and distinct from element 150 PC's logically connected to the grouping controlled by border server 231. The host computer (PC) groups and their associated volume groups are not assigned to each other. The (N) host computer groups are those assigned to each of the external non-trusted servers. The (N) logical volume groups are those associated and connected to the aforementioned (N) host computers, hence the host computers have access rights to their own volumes within

their group. ¶ [0035] also recites that this network configuration can be used with mirroring).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein each of said plurality of host computers assigned to an (i)th host computer group is not assigned to any other of the (N) host computer groups, and wherein each of said logical volumes assigned to an (i)th logical volume group is not assigned to any other of the (N) logical volume groups, and wherein a host computer assigned to an (i)th host computer group has access rights to logical volumes assigned to an (i)th logical volume group, wherein (i) is greater than or equal to 1 and less than or equal to (N) taught by Padmanabhan et al., with forming (N) host computer groups, wherein (N) is greater than or equal to 1; assigning each of said plurality of host computers to the a host computer group; forming (N) logical volume groups; and assigning one or more of said plurality of first logical volumes to a logical volume group taught by Hewlett-Packard.

One of ordinary skill in the art at the time the invention was made would have been motivated to structure network architecture to provide fairness of content distribution and reduce network congestion in mirrored and shared resource applications (Padmanabhan - ¶¶ [0011-0013 and 0035]).

As to Claims 2, 12 and 22, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21 respectively, further comprising the steps of:

receiving a request to revise access rights to one or more of said plurality of first logical volumes or one or more of said plurality of second logical volumes (Hewlett-Packard, Page 21 recites the "lvcreate" and "lvchange" commands which revise, inter alia, mirroring functions);

determining if said request comprises assigning to one of said (N) logical volume groups a logical volume in a copy relationship (Hewlett-Packard – Page 21 recites the creation of logical volumes into a copy arrangement);

operative if said request comprises assigning to one of said (N) logical volume groups a logical volume in a copy relationship, denying said request (Hewlett-Packard – Page 5 recites the Quorum requirement wherein at least 50% of the mirrored volume disks must be present to change the volume group. Page 2 recites that up to 3 volumes can be mirrored. Hence if a request to change 1 of 3 mirrored volumes is presented, the quorum requirement will not be met and the request will be denied).

As to Claims 3, 13 and 23, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21 respectively, further comprising the steps of:

receiving a request to revise access rights to one or more of said plurality of first logical volumes (Hewlett-Packard, Page 21 recites the "lvsplit" command which unassigns the volumes from a mirrored relationship);

determining if said request comprises unassigning one of said first logical volumes in a copy relationship (Hewlett-Packard, Page 21 recites the "lvsplit" command which unassigns the volumes from a mirrored relationship);

operative if said request comprises unassigning one of said first logical volumes in a copy service relationship, wherein said copy service relationship comprises a copy session, determining whether to complete said copy session and then terminate the copy service relationship (Hewlett-Packard – Page 5 recites the Quorum requirement wherein at least 50% of the mirrored volume disks must be present to change the volume group);

operative if said request comprises unassigning one of said first logical volumes in a copy service relationship and if said copy session is to be completed prior to terminating said copy service relationship (Hewlett-Packard - Page 20 recites the synchronous mode. If running in this mode, the file system activity must complete before the process is allowed to continue. Therefore, if running in synchronous mode and an lvsplit command is issued, copy in progress would complete before terminating the mirror relationship and unassigning the mirrored volumes from their mirrored relationship);

completing said copy session (Hewlett-Packard - Page 20 recites the synchronous mode. If running in this mode, the file system activity must complete before the process is allowed to continue. Therefore, if running in synchronous mode and an lvsplit command is issued, copy in progress would complete before terminating

the mirror relationship and unassigning the mirrored volumes from their mirrored relationship);

terminating said copy service relationship (Hewlett-Packard - Page 20 recites the synchronous mode. If running in this mode, the file system activity must complete before the process is allowed to continue. Therefore, if running in synchronous mode and an lvsplit command is issued, copy in progress would complete before terminating the mirror relationship and unassigning the mirrored volumes from their mirrored relationship); and

unassigning said one of said first logical volumes (Hewlett-Packard - Page 20 recites the synchronous mode. If running in this mode, the file system activity must complete before the process is allowed to continue. Therefore, if running in synchronous mode and an lvsplit command is issued, copy in progress would complete before terminating the mirror relationship and unassigning the mirrored volumes from their mirrored relationship).

As to Claims 4, 14 and 24, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 3, 13 and 23 respectively, further comprising the steps of:

operative if said request comprises unassigning one of said first logical volumes but does not comprise un assigning one of said first logical volumes in a copy service relationship, unassigning said one of said first logical volumes (Hewlett-Packard – Page

17 recites the "vgexport" command which unassigns a logical volume. This works on volumes whether mirrored or not);

operative if said request comprises unassigning one of said first logical volumes in a copy service relationship and if said copy service relationship is not to be terminated denying the request to unassign said one of said first logical volumes (Hewlett-Packard – Page 5 recites the Quorum requirement wherein at least 50% of the mirrored volume disks must be present to change the volume group);

operative if said copy session will not be completed prior to terminating said copy service relationship:

terminating said copy service relationship prior to completing said copy session (Hewlett-Packard – Page 18 recites the system crash recovery wherein a volume fails, the mirroring is disabled and data is backed up on one of the previously mirrored volumes. Reassignment of the mirrored relationship occurs after the physical problem has been resolved); and

unassigning said one of said first logical volumes (Hewlett-Packard – Page 18 recites the system crash recovery wherein a volume fails, the mirroring is disabled and data is backed up on one of the previously mirrored volumes. Reassignment of the mirrored relationship occurs after the physical problem has been resolved).

7. Claims 5-7, 15-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hewlett-Packard and Padmanabhan et al. as applied to claims 1, 11 and 21 above, and further in view of US 6,145,066 (Atkin).

As to Claims 5, 15 and 25, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21 respectively, further comprising the steps of:

providing a configuration interface interconnected to said first information storage and retrieval system (Hewlett-Packard – Page 21 recites the System management commands to perform LVM configuration operations);

operative if said copy service relationship comprises a [mirroring] relationship, determining if said request was provided by said configuration interface (Hewlett-Packard – Page 21 recites the "lvcreate" instruction which can be used to create a copy relationship. If the command is given, it executes the copy relationship. If the command is not given, no relationship is made at that time);

operative if said copy service relationship comprises a [mirroring] relationship, determining if said request was provided by said configuration interface (Hewlett-Packard – Page 21 recites the "lvcreate" instruction which can be used to create a copy relationship. If the command is given, it is determined to have been received by the configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time);

operative if said request was provided by said configuration interface (Hewlett-Packard – Page 21 recites the "lvcreate" instruction which can be used to create a copy relationship. If the command is given, it is determined to have been received by the

configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time),

establishing the [*mirroring*] relationship (Hewlett-Packard – Page 21 recites the “lvcreate” instruction which can be used to create a copy relationship. If the command is given, it is determined to have been received by the configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time);

operative if said request was not provided by said configuration interface, not establishing the requested [*mirroring*] relationship (Hewlett-Packard – Page 21 recites the “lvcreate” instruction which can be used to create a copy relationship. If the command is given, it is determined to have been received by the configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time).

The combination of Hewlett-Packard and Padmanabhan et al. does not disclose, but Atkin discloses an invention substantially as claimed, including determining if said copy service relationship comprises a peer-to-peer remote copy (“PPRC”) relationship (Atkin - Column 3, lines 47-64 recite the use of the Peer-to-Peer Remote Copy feature); and the PPRC relationship (Atkin - Column 3, lines 47-64 recite the use of the Peer-to-Peer Remote Copy feature).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine PPRC taught by Atkin, with the mirroring relationship taught by the combination of Hewlett-Packard and Padmanabhan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to add migration facility to the copy feature (Atkin – Column 4, lines 4-11).

As to Claims 6, 16 and 26, the combination of Hewlett-Packard, Padmanabhan et al. and Atkin discloses an invention substantially as claimed, including the system of claims 5, 15 and 25 respectively, further comprising the steps of:

receiving a termination request to terminate said *[mirroring]* relationship (Hewlett-Packard – Page 21 recites the “lvsplit” command which terminates the mirroring relationship);

determining if said termination request was provided by said configuration interface (Hewlett-Packard – Page 21 recites the “lvsplit” instruction which can be used to terminate a copy relationship. If the command is given, it executes the termination of a copy relationship. If the command is not given, no relationship termination is made at that time);

operative if said termination request was provided by said configuration interface, terminating the *[mirroring]* relationship (Hewlett-Packard – Page 21 recites the “lvsplit” instruction which can be used to terminate a copy relationship. If the command is given, it executes the termination of a copy relationship. If the command is not given, no relationship termination is made at that time);

operative if said termination request was not provided by said configuration interface, denying the request to terminate the *[mirroring]* relationship (Hewlett-Packard

– Page 21 recites the “lvsplit” instruction which can be used to terminate a copy relationship. If the command is given, it executes the termination of a copy relationship. If the command is not given, no relationship termination is made at that time).

The combination of Hewlett-Packard and Padmanabhan et al. does not disclose, but Atkin discloses an invention substantially as claimed, including PPRC relationship (Atkin - Column 3, lines 47-64 recite the use of the Peer-to-Peer Remote Copy feature).

The motivation and obviousness arguments are the same as in Claim 5.

As to Claims 7, 17 and 27, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21.

The combination of Hewlett-Packard and Padmanabhan et al. does not disclose, but Atkin discloses an invention substantially as claimed, including further comprising the steps of:

determining if said requested copy service relationship comprises an extended remote copy (“XRC”) relationship (Atkin - Column 3, lines 7-21 recite the use of XRC);

operative if said requested copy service relationship comprises an XRC relationship, denying said request to establish said XRC relationship (Atkin – Column 3, lines 45-61 recite the choice of PPRC over XRC).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the exclusion of XRC taught by Atkin, with the mirroring relationship taught by the combination of Hewlett-Packard and Padmanabhan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to avoid using a copy scheme that is complex to use and operationally expensive and resource intensive (Atkin – Column 3, lines 45-46).

8. Claims 8, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hewlett-Packard and Padmanabhan et al. as applied to claims 1, 11 and 21 above, and further in view of US 2002/0069369 A1 (Tremain).

As to Claims 8, 18 and 28, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21 respectively, further comprising the steps of:

providing a configuration interface interconnected with said first information storage and retrieval system (Hewlett-Packard – Page 21 recites the System management commands to perform LVM configuration operations);

operative if said copy service relationship comprises a [*mirroring*] relationship, determining if said request was provided by said configuration interface (Hewlett-Packard – Page 21 recites the “lvcreate” instruction which can be used to create a copy relationship. If the command is given, it executes the copy relationship. If the command is not given, no relationship is made at that time);

operative if said request was provided by said configuration interface, establishing the requested [*mirroring*] relationship (Hewlett-Packard – Page 21 recites the “lvcreate” instruction which can be used to create a copy relationship. If the

command is given, it is determined to have been received by the configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time);

operative if said request was not provided by said configuration interface, denying the request to establish a *[mirroring]* relationship (Hewlett-Packard – Page 21 recites the “lvcreate” instruction which can be used to create a copy relationship. If the command is given, it is determined to have been received by the configuration interface, and it executes the copy relationship. If the command is not given, no relationship is made at that time).

The combination of Hewlett-Packard and Padmanabhan et al. does not disclose, but Tremain discloses an invention substantially as claimed, including determining if said copy service relationship comprises a remote FlashCopy relationship (Tremain - ¶ [0187] recites the use of Flashcopy facilities); and the remote FlashCopy relationship (Tremain - ¶ [0187] recites the use of Flashcopy facilities).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Flashcopy taught by Tremain, with the mirroring relationship taught by the combination of Hewlett-Packard and Padmanabhan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to provide customers with available virtual machine environments (Tremain - ¶ [0187]).

9. Claims 9-10, 19-20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hewlett-Packard and Padmanabhan et al. as applied to claims 1, 11 and 21 above, and further in view of US 6,735,636 B1 (Mokryn et al.).

As to Claims 9, 19 and 29, the combination of Hewlett-Packard and Padmanabhan et al. discloses an invention substantially as claimed, including the system of claims 1, 11 and 21 respectively, further comprising the steps of:

determining if said requested copy service relationship comprises adding a new source logical volume and/or a new target logical volume to an existing [*mirroring*] session comprising an existing logical volume group (Hewlett-Packard – Page 21 recites the “lvextend” command which adds physical extents allocated to a logical volume, hence the logical size changes as well. If the command is given, the volume is extended. If the command is not given, then volume is not extended);

operative if said requested copy service relationship comprises adding a new source logical volume or a new target logical volume to an existing [*mirroring*] session, determining if said new source logical volume and/or said new target logical volume are assigned to said existing logical volume group (Hewlett-Packard – Page 21 recites the “lvextend” command targeted to a specific volume. The Logical Volume Manager (Page 5) knows whether the volume belongs to a volume group);

operative if said new source logical volume and/or said new target logical volume are assigned to said existing logical volume group, adding said new source logical

volume and/or said new target logical volume to said existing [*mirroring*] session (Hewlett-Packard – Page 21 recites the “lvextend” command which adds physical extents allocated to a logical volume, hence the logical size changes as well. If the command is given, the volume is extended. If the command is not given, then volume is not extended).

The combination of Hewlett-Packard and Padmanabhan et al. does not disclose, but Mokryn et al. disclose an invention substantially as claimed, including Concurrent Copy relationship (Mokryn et al. – Column 2, lines 41-49 recite using Concurrent Copy for mirroring).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Concurrent Copy taught by Mokryn et al., with the mirroring copy system taught by the combination of Hewlett-Packard and Padmanabhan et al.

One of ordinary skill in the art at the time the invention was made would have been motivated to apply commercially available mirroring methods (Mokryn et al. – Column 2, lines 41-49).

As to Claims 10, 20 and 30, the combination of Hewlett-Packard, Padmanabhan et al. and Mokryn et al. disclose an invention substantially as claimed, including the system of claims 9, 19 and 29 respectively, further comprising the step of:

operative if said new source logical volume and/or said new target logical volume are not assigned to said existing logical volume group, not adding said new source

logical volume and/or said new target logical volume to said existing [*mirroring*] session (Hewlett-Packard – Page 21 recites the “lvextend” command which adds physical extents allocated to a logical volume, hence the logical size changes as well. If the command is given, the volume is extended. If the command is not given, then volume is not extended).

Hewlett-Packard does not disclose, but Mokryn et al. discloses an invention substantially as claimed, including Concurrent Copy relationship (Mokryn et al. – Column 2, lines 41-49 recite using Concurrent Copy for mirroring).

The motivation and obviousness arguments are the same as in Claim 9.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Keehn whose telephone number is 571-270-5007. The examiner can normally be reached on Monday through Thursday, 9:00am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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RGK

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